

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 63542-5-I
)	
Respondent,)	DIVISION ONE
)	
v.)	
)	
RICHARD M. RAYMOND,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: May 3, 2010
)	

PER CURIAM. Richard Raymond challenges the sentence imposed after he was found guilty of intimidating a public servant, arguing the trial court exceeded its authority when it ordered Raymond to submit to a mental health evaluation and treatment as a condition of community custody. The State concedes error.

RCW 9.94A.505(9) authorizes the court to order a mental health evaluation as a condition of community custody when it follows specific procedures. “A trial court errs by ordering mental health treatment as a condition of community custody where the court has not obtained or considered a presentence report or mental status evaluation, and has not made findings that the defendant was a person whose mental illness contributed to his crimes.” State v. Lopez, 142 Wn. App. 341, 354, 174 P.3d 1216 (2007); State v. Jones, 118 Wn. App. 199, 209, 76 P.3d 258 (2003). In sentencing Raymond, the court did not make the statutorily mandated finding that he was a “mentally ill person” as defined by RCW 71.24.025, or that a mental illness influenced the crime for which he was convicted.

No. 63542-5-I/2

We accept the State's concession of error and remand to the trial court to strike the community custody mental health condition from Raymond's judgment and sentence.

Remanded.

For the Court:

Jau, J.
Grosse, J.
Cox, J.